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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,859	10/17/2000	Michael Hamilton Coward	046914-5001	2480

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MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/12/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/688,859

Applicant(s)

COWARD ET AL.

Examiner

Kenny Lin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-15 are presented for examination.
2. The IDS filed on 10/17/2000, including form PTO-1449 is missing in file. Please submit an additional copy. Examiner has attempted to request for a copy through telephone. However, the telephone numbers listed on file have been disconnected.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 3-4, 7, 9 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Garcen et al, US 6,581,121 (hereinafter Garcen).

5. As per claim 3, Garcen taught the invention substantially as claimed including a high availability telecom/datacom architecture comprising:

- a. Dual/redundant network links (col.2, lines 56-57);
- b. A plurality of I/O cards connected to the dual/redundant network links (col.2, lines 52-60); and
- c. A system controller coupled to the plurality of I/O cards via the dual/redundant network links (col.2, lines 60-63, col.3, lines 5-8).

6. As per claim 9, Garcen taught the invention substantially as claimed including a network bus architecture for providing high availability to telecom/datacom system comprising:

- a. Dual/redundant network links (col.2, lines 56-57);
- b. A plurality of I/O cards connected to the dual/redundant network links (col.2, lines 52-60); and
- c. A system controller coupled to each other and to the plurality of I/O cards via the dual/redundant network links (col.2, lines 60-63, col.3, lines 5-8).

7. As per claims 4 and 12, Garcen taught the invention substantially as claimed in claims 3 and 9. Garcen further taught wherein the system controller comprises multiple CPUs coupled to each other and to the plurality of I/O cards via the dual/redundant network links (col.2, lines 60-63, col.3, lines 5-8, host computer is inherently known to contain CPUs).

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8. As per claims 7, and 13-14, Garcen taught the invention substantially as claimed in claims 3, 9 and 12. Garcen further taught that wherein a system monitor and control module coupled to the system controller and the plurality of I/O cards via the network links (col.1, lines 58-60, col.2, lines 29-43, 63-67, col.3, line 1, lines 17-20).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 5-6, 8, 10-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcen et al, US 6,581,121 (hereinafter Garcen), in view of Official Notice.

11. As per claim 1, Garcen taught the invention substantially as claimed including a high availability telecom/datacom architecture comprising:

- a. Dual/redundant switches (col.2, lines 56-57);
- b. A plurality of I/O cards connected to the dual/redundant switches (col.2, lines 52-60); and
- c. At least two CPUs coupled to each other and to the plurality of I/O cards via the dual/redundant switches (col.2, lines 60-63, col.3, lines 5-8, host computer is inherently known to contain CPU).

12. Garcen did not specifically teach that the switches are Ethernet switches. However, Garcen disclosed that the switch can be of other arrangement (col.2, lines 44-51). Official notice taken that the both the concept and advantage of using a Ethernet switch is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garcen and the use of Ethernet switches to replace the switches taught in Garcen architecture with Ethernet switches so the architecture can connect to I/O cards such as Ethernet cards placed in computers.

13. As per claim 2, Garcen taught the invention substantially as claimed in claim 1. Garcen further taught that a system monitor and control module coupled to the at least two CPUs and the plurality of I/O cards via the Ethernet switches (col.1, lines 58-60, col.2, lines 29-43, 63-67, col.3, line 1, lines 17-20).

14. As per claims 5-6, and 10, Garcen taught the invention substantially as claimed in claims 3-4 and 9. Garcen further taught that wherein the dual/redundant network links are implemented using switches (col.2, lines 56-57). Garcen did not specifically teach that the switches are Ethernet switches. However, Garcen disclosed that the switch can be of other arrangement (col.2, lines 44-51). Official notice taken that the both the concept and advantage of using a Ethernet switch is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Garcen and the use of Ethernet switches to replace the switches taught in Garcen architecture with

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Ethernet switches so the architecture can connect to I/O cards such as Ethernet cards placed in computers.

15. As per claim 8, Garcen taught the invention substantially as claimed in claim 5. Garcen further taught that wherein a system monitor and control module coupled to the system controller and the plurality of I/O cards via the network links (col.1, lines 58-60, col.2, lines 29-43, 63-67, col.3, line 1, lines 17-20).

16. As per claim 11, Garcen taught the invention substantially as claimed in claim 10. Garcen further taught wherein the system controller coupled to each other and to the plurality of I/O cards via the dual/redundant network links (col.2, lines 60-63, col.3, lines 5-8). Garcen did not specifically teach that the system controller comprises multiple CPUs. Official notice taken, the concept and advantage of host computers containing multiple CPUs is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Garcen and the use of multiple CPUs to have the system controller taught by Garcen to process multiple tasks by using multiple CPUs.

17. As per claim 15, Garcen taught the invention substantially as claimed in claims 9. Garcen further taught to comprise software (col.3, lines 17-20). Garcen did not specifically teach to comprise APIs. Official notice taken, both the concept and advantage of APIs is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Garcen and the use of API because

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the use of API enables the user/develops to direct the performance of procedures of Garcen's system.

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Karighattam et al, US 6,594,776.

Papa et al, US 6,175,490.

19. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703)305-0438. The examiner can normally be reached on 8 AM to 5 PM Tuesday to Friday and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-6121.

ksl  
February 4, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100